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HUMAN RIGHTS COMMITTEE

Sixty-sixth session

SUMMARY RECORD OF THE SECOND (PUBLIC)* OF THE 1776th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 July 1999, at 10 a.m.

Chairperson: Ms. MEDINA QUIROGA

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* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.1776.

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GE.99-43321 (EXT)

The meeting was called to order at 11 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Draft list of issues to be taken up in connection with the consideration of the second periodic report of the Republic of Korea (CCPR/6/67/Q/KOR/1/Rev.1)

1. Mr. KRETZMER, speaking on behalf of the Working Group, said that in general, it was of the view that States parties were required to reply to too many questions, and was prepared to do away with some of them if that was the desire of members of the Committee.

2. The CHAIRPERSON said that delegations were indeed complaining about the length of the lists; certain questions should therefore be deleted and care taken to ensure that questions were worded more simply and that each one dealt with a specific subject. She asked whether the Committee approved the first two questions concerning the status of the Covenant.

3. Mr. KRETZMER proposed the deletion of question 1.

4. Mr. Kretzmer's proposal was approved.

5. Paragraph 2 was adopted.

Paragraphs 3 to 8

6. Mr. ANDO proposed the deletion of questions 3 and 7 which seemed to be too general.

7. Following an exchange of views, in which Mr. POCAR, Mr. YALDEN, Mr. LALLAH, Mr. BHAGWATI, Mr. AMOR and she herself took part, the CHAIRPERSON said that the Committee decided to replace the words "Please give figures on the number of women" by "Please give written statistics on the number of women".

8. Ms. CHANET proposed that a reference should be made in the second sentence of paragraph 6 to paragraph 64 of the report, which revealed the existence of misogyny in the Republic of Korea.

9. Following an exchange of views, in which Ms. CHANET, Mr. ZAKHIA, Mr. SOLARI YRIGOYEN, Mr. AMOR and Mr. KRETZMER took part on the wording of the new second sentence of paragraph 6, Ms. CHANET proposed that the question should be worded as follows: "In view of what is stated in paragraph 64 of the report, what measures have been taken to promote equality between men and women in the civil service and to increase the representation of women in politics?"

10. The CHAIRPERSON, summarizing the discussion, said that paragraphs 3 and 7 were deleted, that the first sentence of paragraph 6 was amended to refer to written statistics, and that the second sentence of paragraph 6 would be reworded in the light of Ms. Chanet's proposal.

11. Paragraphs 3 to 8, as amended orally, were adopted.

12. Following an exchange of views, in which Ms. CHANET and Mr. ZAKHIA took part and which revealed that the replies to the questions put in paragraph 9 were already clear from the report, the CHAIRPERSON proposed the deletion of that paragraph.

Paragraph 9 was deleted.

Paragraphs 10 to 13

14. Mr. WIERUSZEWSKI proposed the deletion of the first sentence of paragraph 10 since a reply to the question was already given in the report.

15. Ms. CHANET wished to narrow the question put in paragraph 13 by asking what criteria were laid down by law in connection with the concept of "voluntary appearance", referred to in paragraphs 106 to 110 of the report. She would draft a text on the subject.

16. The CHAIRPERSON said that the first sentence of paragraph 10 was deleted and that paragraph 13 would be reworded in the light of Ms. Chanet's proposal.

17. Paragraphs 10 to 13, as amended orally, were adopted.

Paragraph 14

18. Mr. SCHEININ proposed the addition of the words "and judicial control" after the words "explain the law and practice".

19. Mr. Scheinin's proposal was approved.

19. bis. Paragraph 14, as amended orally, was adopted.

Paragraphs 15 to 18

20. Mr. ANDO proposed combining the questions in paragraphs 15 and 16 in a single paragraph by deleting the first sentence of paragraph 15 and placing the second sentence of paragraph 15 after the last sentence of paragraph 16.

21. Mr. SCHEININ supported that proposal and suggested that the new reworded paragraph 15 should be inserted between the section on articles 3 and 26 and the section on articles 7, 9 and 14.

22. The proposals made by Mr. Ando and Mr. Scheinin were approved.

23. Mr. WIERUSZEWSKI asked whether the question in paragraph 17 was motivated by information contained in the report.

24. Mr. KRETZMER said it was motivated by information provided by NGOs. He proposed that paragraph 17 should be included in the section on articles 7, 9 and 14.

25. Mr. Kretzmer's proposal was approved.

26. Paragraphs 15 to 18, as amended orally, were adopted.

Paragraphs 19 to 21

27. Paragraphs 19 to 21 were adopted.

Paragraphs 22 and 23

28. Lord COLVILLE said that the wording of paragraph 22 was too vague and that the nature of the discrimination in question should be specified.

29. Mr. AMOR agreed that paragraph 22 was too general. It would be better either to indicate in what areas discrimination could arise or to delete the entire paragraph. For his part he preferred the second solution, since the question of discrimination was already covered in a number of other paragraphs.

30. Mr. KRETZMER felt that it was important to retain paragraph 22, whose wording should remain very general in view of the meagre information contained in the report on the application of article 26 of the Covenant. Furthermore, he recalled that it was the Committee's usual practice to put that question to all States parties whose reports were being considered.

31. Paragraph 22 was adopted.

32. Mr. ZAKHIA was in favour of specifying, in paragraph 23, the areas in which equality should be guaranteed between migrant workers and Korean residents, because although inequalities might be justified in the case of political rights, they would be unacceptable in connection with civil rights.

33. Mr. KRETZMER agreed, and suggested that reference should be made to equality in employment conditions.

34. Paragraph 23, as amended orally, was adopted.

Paragraphs 24 and 25

35. Paragraphs 24 and 25 were adopted.

36. The draft list of issues to be taken up in connection with the consideration of the second periodic report of the Republic of Korea (CCPR/C/67/Q/KOR/1/Rev.1), as amended orally, was adopted.

Draft list of issues to be taken up in connection with the consideration of the second periodic report of Norway (CCPR/C/66/Q/NOR/1/Rev.2)

Paragraphs 1 and 2

37. Mr. LALLAH suggested that paragraph 1 should be reworded so as to request information on the present status of the Covenant within the Norwegian legal system following the entry into force of the Human Rights Act. The second question could then be deleted.

38. Paragraph 1, as amended orally, was adopted.

39. Paragraph 2 was adopted.

Paragraph 3

40. Mr. LALLAH wondered whether the question asked concerned "gender segregation" or "discrimination" in employment based on sex.

41. Mr. YALDEN said that both forms were present and that there was a very large number of women holding low-paid jobs in Norway. In that context, therefore, the term "gender segregation" was perhaps ill-advised and it might be better to refer to the concentration of women in certain employment sectors.

42. Mr. ZAKHIA was of the view that the problem was not so much one of the concentration of women as the inferiorization of women in employment; it might therefore be better to use the latter expression.

43. Ms. EVATT noted that Norway was at present adopting extremely innovative measures to put an end to the problem and that the Committee simply wished to know whether such measures had been effective and, if so, to what extent.

44. The CHAIRPERSON noted that there was a consensus in favour of replacing the words "gender segregation in employment" by "the concentration of women in certain types of employment".

45. Paragraph 3, as amended orally, was adopted.

Paragraphs 4 to 6

46. Paragraph 4 was adopted.

47. Mr. ANDO was in favour of deleting subparagraphs (a) and (b) of paragraph 5 and replacing them by a sentence in which the Committee would request information on specific methods used in "aversion therapy".

48. Ms. EVATT thought that it was important to retain subparagraph (a), – possibly rewording it in a clearer manner. What the Committee was trying to emphasize in that subparagraph was that the provisions governing recourse to coercive measures were rather vague and could therefore create problems in connection with the application of article 7 of the Covenant.

49. Ms. GAITAN DE POMBO endorsed Mr. Ando's suggestion. If, however, the Committee decided to retain the two subparagraphs, they should be reworded in a more specific way – at least in the Spanish text, which was not clear. Furthermore, it would be preferable to speak of mentally handicapped rather than mentally retarded persons.

50. Mr. ANDO thought that the question of the danger posed by the vagueness of provisions governing the use of coercive measures could be put orally during the consideration of the report.

51. Mr. ZAKHIA was also in favour of deleting subparagraphs (a) and (b). He emphasized that measures applicable to mentally handicapped persons were taken on the basis of scientific or medical criteria and not criminal legislation. Care should be taken not to place the mentally handicapped on the same footing as detainees, for whom the question of provisions governing treatment was quite different.

52. Mr. YALDEN questioned the reference to "aversion therapy" since it was not mentioned in paragraphs 91 to 93 of the report dealing with mentally retarded persons; there was nothing to indicate that they were subjected to treatment of that kind.

53. Mr. POCAR suggested the deletion of the words "and statistics" in the first sentence. The rest of the paragraph could then be shortened to request the Norwegian delegation to explain how such measures were compatible with the Covenant, particularly in view of the lack of precision in the framing of the criteria allowing for coercive measures.

54. Mr. WIERUSZEWSKI endorsed Mr. Pocar's suggestion subject to the addition of a reference to "aversion therapy". That form of treatment was at present being widely discussed in Norway, the point of issue being whether it was in conformity with respect for the rights and freedoms of the individual. For that reason it was important to hear what the delegation had to say on the matter.

55. The CHAIRPERSON said that the Committee decided to reword paragraph 5 along the lines suggested by Mr. Pocar and Mr. Ando.

56. Paragraph 5, as amended orally, was adopted.

Paragraph 6

57. Mr. ANDO suggested that the paragraph should be shortened by combining the second and third sentences in order simply to request, in view of the provisions of the new Act governing the care of psychiatric patients, what possibilities were available to patients of having decisions to enforce coercive measures reviewed.

58. Lord COLVILLE felt that the main point was to determine whether the mentally ill could have decisions affecting of them reviewed regularly and what legislative provisions and procedures were applicable in that respect.

59. Mr. SCHEININ said that that was an important point but noted that Norway apparently complied fully with the Covenant in that respect. For that reason, he was in favour of deleting paragraph 6.

60. Mr. YALDEN considered that paragraph 6 should be retained, particularly in view of statistics that indicated that coercive measures to the mentally ill were very often subjected applied in Norway.

61. Ms. EVATT was also in favour of retaining paragraph 6 which could, however, be reworded to advantage in the way indicated by Lord Colville.

62. The CHAIRPERSON said that the Committee decided to reword paragraph 6 along the lines indicated by Lord Colville and Mr. Ando.

63. Paragraph 6, as amended orally, was adopted.

Paragraphs 7 and 8

64. Mr. ANDO suggested deleting the first sentence of paragraph 7 which appeared unnecessary, and retaining only the second, preceded by a reference to the information contained in paragraph 18 of the report.

65. Ms. CHANET suggested that paragraphs 7 and 8 should both be deleted. Paragraph 7 seemed pointless and paragraph 8 served no purpose since paragraphs 159 to 161 of the report contained information that was quite satisfactory on the matter of the questioning of child victims of sexual abuse. The problem, which was of a highly delicate nature was present throughout the world, seemed to have been resolved in Norway in a manner that could serve as an example for other countries.

66. Mr. GAITAN DE POMBO fully endorsed the view expressed by Ms. Chanet.

67. Mr. WIERUSZEWSKI said, with respect to paragraph 7, that the net income limit used to determine whether a person was entitled to free legal aid was apparently very high and certainly deprived a number of persons of that right. However, the question could be put to the delegation orally and he would have no objection if the Committee wished to delete paragraph 7. As for paragraph 8, although the legislation in

question was apparently satisfactory, its practical application appeared to traumatize certain children. Perhaps the Committee could cut paragraph 8 down to one question dealing with the practice of questioning victims.

68. Mr. ZAKHIA was in favour of deleting paragraphs 7 and 8. As for the question of practice raised by Mr. Wieruszewski, he pointed out that any traumatism caused to children was not a legal issue but constituted a human problem that was beyond the Committee's competence.

69. Lord COLVILLE was resolutely opposed to the deletion of paragraph 8. It seemed that in Norway child victims of sexual abuse were not questioned in the presence of the defence lawyer or counsel, who were even unable to witness their examination from behind a one-way mirror. Furthermore, the victim could not be questioned by the defence, which was quite contrary to the provisions of article 14, paragraph 3 of the Covenant. For that reason, it was vital to retain paragraph 8.

70. The CHAIRPERSON noted that there was a consensus in favour of the deletion of paragraph 7 and the retention of paragraph 8.

71. It was so decided.

Paragraph 9

72. The CHAIRPERSON suggested the deletion of the first sentence.

73. Mr. ANDO endorsed the Chairperson's suggestion and said he would like to combine the two other sentences so as to request more detailed information both on the remedies available to victims and on the measures taken to prevent the unlawful monitoring of telephones.

74. Paragraph 9, as amended orally, was adopted.

Paragraphs 10 to 12

75. Paragraph 10 was adopted.

76. Mr. SCHEININ was in favour of deleting paragraph 11.

77. Mr. WIERUSZEWSKI said that the Working Group had drafted the paragraph on the basis of information according to which the police had committed abuses in practice. However the Committee might be satisfied with an oral question on the subject.

78. The CHAIRPERSON noted that the Committee was in favour of deleting paragraph 11.

79. Paragraph 11 was deleted.

Paragraph 12

80. Paragraph 12 was adopted.

Paragraph 13

81. Paragraph 13 was adopted.

Paragraphs 14 and 15

82. Mr. SCHEININ proposed replacing the heading "Rights of persons belonging to minorities (art. 26)" by "Rights of persons belonging to minorities and the right to self-determination (arts. 1 and 27)". He also proposed the retention of paragraph 14 in its present form and the addition of a paragraph 14 bis reading as follows: "How is the sustainability of the traditional means of livelihood of the Samis protected in relation to competing uses of lands and natural resources?" Furthermore, he proposed the addition of a second question reading as follows to paragraph 15: "What is the position of Norway in respect of the Sami people's right to self-determination?". The reason was that the fourth periodic report of the State party provided very little information on the subject, which was of particular importance in Norway. Lastly, he proposed placing the heading concerning articles 1 and 27 of the Covenant immediately after the heading "Gender equality and the principle of non-discrimination (arts. 3 and 26)".

83. Mr. Scheinin's proposals were approved.

Paragraph 16

84. Paragraph 16 was adopted.

85. Ms. CHANET noted that, although the draft list of issues to be taken up contained no question whatever on the application of article 18 of the Covenant, it was stated in paragraphs 212 and 213 of the fourth periodic report of the State party that the provisions of article 2 of the Constitution – according to which persons professing the Lutheran faith were bound to bring up their children in the same faith – had been considered by the Committee on completion of its consideration of the third periodic report and found to be in clear contradiction with article 18 of the Covenant; the provisions in question had not been modified. Since the matter was still being studied, she proposed that a question requesting information on the progress made with and the possible results of that study should be added to the list of issues to be taken up. She would draft a question along those lines.

86. Ms.Chanet's proposal was approved..

87. The draft list of issues to be taken up in connection with the fourth periodic report of Norway (CCP/C/66/Q/NOR/Rev.3), as amended orally, was adopted

Draft list of issues to be taken up in connection with the consideration of the fourth periodic report of Morocco (CCPR/C/66/Q/MOR/1/Rev.3)

Paragraph 1

88. Paragraph 1 was adopted.

Paragraphs 2 to 7

89. Ms. EVATT proposed the deletion of paragraphs 5 and 7.

90. Ms. Evatt's proposal was approved.

91. Mr. AMOR thought that the Committee should specify what exactly was meant by the expression "the population of that region" in question 2; did it mean the population living in that specific region or, more generally, the Sahraouis?

92. Ms. GAITAN DE POMBO associated herself with the question raised by Mr. Amor.

93. Ms. EVATT said that, although the Sahraouis living in the Western Sahara admittedly suffered more from discrimination, the Working Group's intention had nevertheless been to raise the question of the rights of the general population living in the Western Saharan region, and which constituted part of the Moroccan population. In order to dissipate any misunderstanding, she proposed the replacement of the words "the population of that region" by "the population living in that region".

94. Ms. EVATT's proposal was approved.

95. Paragraphs 2 to 7, as amended orally, were adopted.

Paragraphs 8 to 11

96. Ms. EVATT proposed the deletion of the words "and data" in the first line of paragraph 8.

97. Ms. Evatt's proposal was approved.

98. Mr. AMOR thought that the expression "participation by women in education" in the first sentence of paragraph 8 was ambiguous. Was the Committee seeking information on the number of women holding posts in education or on the illiteracy rate among women? In his view, the two questions were of equal importance. He therefore proposed that the Committee should put both of them separately in paragraph 8.

99. Mr. Amor's proposal was approved.

100. The CHAIRPERSON said that a French-speaking member of the Committee would be requested to draft a new version of paragraph 8 in the light of Mr. Amor's proposal.

101. Paragraphs 8 to 11, as amended orally, were approved.

Paragraphs 12 to 16

102. Mr. SOLARI YRIGOYEN proposed deleting the first sentence of paragraph 13 and stating in a forthright manner that the Committee wished to know what had been done "to elucidate cases of unexplained disappearances, etc.".

103. Mr. Solari Yrigoyen's proposal was approved.

104. Ms. CHANET, referring to paragraph 14, said that the questions asked were rather vague. She proposed that the State party should be asked whether, in the light of what was stated in paragraph 60, 74 and 81 of the report, the legislation governing the period of police custody before the accused was brought before the judicial authority was in conformity with the provisions of article 9, paragraph 3 of the Covenant.

105. Ms. Chanet's was approved.

106. Mr. KLEIN questioned the value of the question put in paragraph 15, since it was highly unlikely that the State party would admit officially that persons had been imprisoned because of their political opinions, and the delegation would certainly have difficulty in replying to a question that was so delicate and posed in such a direct manner. He therefore proposed the deletion of the question from the list of issues; the Committee could, however, raise it orally during the discussion.

107. Ms. CHANET and Ms. EVATT supported that proposal.

108. Paragraph 15 deleted.

109. Paragraphs 12 to 16, as amended orally, were adopted.

Paragraph 17

110. Mr. AMOR felt that the question of preventing discrimination against homosexuals, however important it might be, should be raised orally during the dialogue with the delegation of the State party. In his view, it would be preferable to include other important questions such as those dealing with education, poverty, discrimination and violence against women in the list of issues addressed to the State party.

111. The CHAIRPERSON said that the Committee would continue its consideration of paragraph 17 at its next meeting.

The meeting rose at 1 p.m.